

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOFTWARE RIGHTS ARCHIVE, LLC

v.

**GOOGLE INC., YAHOO! INC., IAC
SEARCH & MEDIA, INC., AOL, LLC,
AND LYCOS, INC.**

Civil Case No. 2:07-cv-511 (CE)

**DEFENDANT YAHOO! INC.'S MOTION FOR HEARING ON MOTION TO
TRANSFER AND IN THE ALTERNATIVE FOR CONTINUANCE OF CLAIM
CONSTRUCTION DEADLINES**

Defendant Yahoo! Inc. ("Yahoo!") hereby respectfully moves (1) for a hearing on Defendants' Motion to Transfer Pursuant to 28 U.S.C. § 1404(a), filed February 20, 2009 (Docket No.130); and (2) alternatively for a continuance of the upcoming claim construction-related deadlines.

Yahoo! seeks the requested relief solely in light of the Federal Circuit's directive that parties actively pursue resolution of their motion to transfer, "before the district court invest[s] considerable time and attention on discovery and completing claim construction." *See In re VTech Communs., Inc.*, Misc. Docket No. 909, 2010 U.S. App. LEXIS 372, at *6 (Fed. Cir. Jan. 6, 2010), attached hereto as Exhibit "A".

Defendants filed their motion to transfer on February 20, 2009. (Docket No. 130.) The parties completed initial briefing on the motion on May 29, 2009. (Docket No. 148.) Plaintiff SRA and Defendant Google Inc. subsequently filed supplemental briefs in November 2009 (Docket Nos. 173-175 and 177) and December 2009 (Docket Nos. 191 and 201). Claim construction is set to commence on April 30, 2010, when the parties exchange proposed terms

pursuant to P.R. 4-1. (*See* Docket Control Order, Docket No. 84.) Claim construction briefing commences August 6, 2010, followed by the claim construction hearing, currently set for November 10, 2010. (*Id.*)

In the event that the Court declines to grant a hearing or otherwise rule on Defendants' motion to transfer prior to April 30, 2010, Yahoo! alternatively proposes that the claim construction-related deadlines be extended according to the following chart:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>EXTENDED DEADLINE</u>
Comply with P.R. 4-1.	April 30, 2010	May 28, 2010
Comply with P.R. 4-2.	May 28, 2010	June 25, 2010
Comply with P.R. 4-3.	June 25, 2010	July 23, 2010
Discovery deadline- claims construction issues	July 16, 2010	August 13, 2010
Comply with P.R. 4-5(a).	August 6, 2010	September 3, 2010
Comply with P.R. 4-5(b).	September 10, 2010	October 8, 2010
Comply with P.R. 4-5(c).	October 8, 2010	November 5, 2010
Comply with P.R. 4-5(d).	October 29, 2010	December 3, 2010
Claim construction hearing 9:00 a.m., Marshall, Texas	November 10, 2010	A date in December 2010 or as soon thereafter as is convenient for the Court.

Dated: March 9, 2010

Respectfully submitted,

By: /s/ Richard S.J. Hung, with permission by
Michael E. Jones

Michael A. Jacobs (CA Bar No. 111664)

Richard S. J. Hung (CA Bar No. 197425)

MORRISON & FOERSTER

425 Market Street

San Francisco, CA 94105

Telephone: 415-268-7000

Facsimile: 415-268-7522

Email: mjacobs@mofo.com

Email: rhung@mofo.com

Michael E. Jones

Texas Bar No. 10929400

Potter Minton, A Professional Corporation

110 North College, Suite 500

Tyler, Texas 75702

Telephone: (903) 597-8311

Facsimile: (903) 593-0846

Email: mikejones@potterminton.com

Attorneys for Defendant YAHOO! INC.

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Yahoo! conferred with counsel for Plaintiff Software Rights Archive, Inc. ("SRA") regarding the relief requested herein. Counsel for SRA stated that SRA does not join in the request for an oral hearing on the motion to transfer. However, in the event the Court is inclined to hold such a hearing, counsel for SRA states that SRA will participate in the hearing. Counsel for SRA also stated that SRA opposes the alternative extension of the claim construction-related deadlines. Accordingly, this motion is presented to the Court for determination.

/s/ Richard S.J. Hung, with permission
by Michael E. Jones

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 9, 2010. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones